IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 26TH FEBRUARY 2007 / 7TH PHALGUNA 1928

Bail Appl..No. 1125 of 2007

CRIME NO.423/2006 OF MATHILAKAM POLICE STATION

.....

PETITIONER/ACCUSED:

V.R. KANNAN, VAZHOOR HOUSE,
P. VAMBALLOR, KODUNGALLOOR - 71.

BY ADV. SRI.P.S.SREEDHARAN PILLAI
SMT.C.G.PREETHA
SMT.P.RANI DIOTHIMA

RESPONDENTS: COMPLAINANT/STATE:

STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY DGP SRI. P.G.THAMPI

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 26/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

Bail Application No. 1125/2007

Dated this 26th day of February, 2007

O R D E R

The petitioner, who is the seventh accused in crime No.423/2006 of Mathilakam police station for offences punishable under Sections 143, 147, 148, 120B, 449, 307 and 302 IPC read with Section 149 IPC and also under Section 27 of the Arms Act, 1959, seeks anticipatory bail.

2. The learned Director General of Prosecution Sri.P.G.Thampi opposed the application.

3. The case of the prosecution is that on 25.9.2006 at 2 a.m., the accused persons criminally trespassed into the house of the defacto complainant, after forcibly breaking opened the door and committed murder of one Raju and had also assaulted his wife Sandhya. According to the prosecution, the petitioner and the eighth accused are the persons who had created the whole occurrence. The weapons used are 4 or 5 sword sticks.

4. Anticipatory bail cannot be granted in a case of this nature. But at the same time, I am inclined to permit the petitioner to surrender before the Investigating Officer for the

purpose of interrogation and then have his application for regular bail, which shall be considered and disposed of by the Magistrate concerned.

5. Accordingly, the petitioner shall surrender before the Investigating Officer on any date between 5.3.2007 and 7.3.2007 for the purpose of interrogation. The petitioner shall thereafter be produced on the same day before the Magistrate having jurisdiction. The Magistrate shall consider and dispose of the application, if any, filed by the petitioner for regular bail, preferably on the same day on which it is filed.

The application is disposed of as above.

V.RAMKUMAR,
JUDGE

mrcs